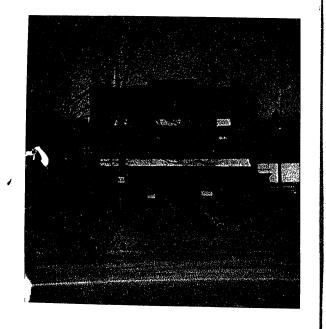
ZB# 85-16

Carlos Gruini

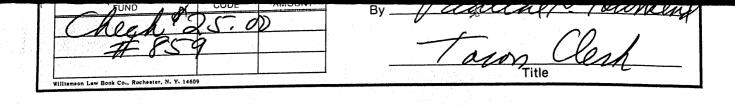
17-4-14

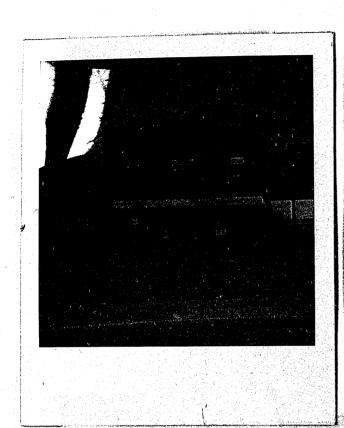
85-16 Consine Coulos Aclim. Macking Equil 8, 1985. Grea Variance 6/13/85 approve





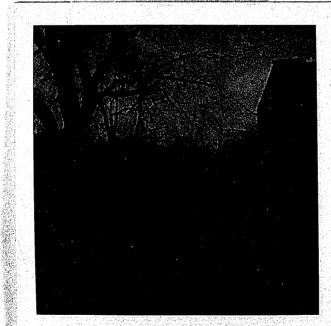
From north property like - rear of Bidgs.







From north property inc-rear of Bidy's.



From AW, between.
B16/3.

NEW WINDSOR ZONING BOARD OF APPEALS

In the Matter of the Application of

DECISION GRANTING AREA VARIANCE

CARLOS GRUINI & CARMEN GRUINI

#85-16.

----X

WHEREAS, CARLOS & CARMEN GRUINI, of 261 Route 9W, New Windsor, New York, have made application before the Zoning Board of Appeals for area variances for the purpose of:

Subdivision of lands, creating a lot with less than the required side yards and lot width.

WHEREAS, a public hearing was held on the 13th day of May, 1985 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant appeared by his land surveyor, Elias D. Grevas, L.S. of 33 Quassaick Avenue, New Windsor, N. Y.; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

- 2. The evidence shows that, due to the position of the buildings on the property, which were pre-existing non-conforming uses, it is not possible to subdivide the property without the requested variances.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

- l. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.
- 2. The proposed variance will not result in substantial detriment to adjoining properties and change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANTS the application for area variances as requested at the public hearing of 5/13/85 in accordance with plans submitted and dated 3/28/85.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: June 10, 1985.

Chairman

cc: Elias D. Grevas, L. S.

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

#<u>85-16</u>
Date: <u>3 May 1985</u> Applicant Information: Carlo Gruini & Carmen Mary Gruini 201 Route 9W, New Windsor, N.Y. 12550 (Name, address and phone of Applicant) (914) 561-7862 (b) (Name, address and phone of purchaser or lessee) (c) (Name, address and phone of attorney) (d) (Name, address and phone of broker) II. Application type: Use Variance Sign Variance Area Variance Special Permit III. Property Information: (Zone) (Address) What other zones lie within 500 ft.? PI
Is a pending sale or lease subject to ZBA approval of this application? (b) When was property purchased by present owner? 6 June 1977 Has property been subdivided previously? No When? (d) (e) (f) Has property been subject of variance or special permit No previously? When? (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? Nb (h) Is there any outside storage at the property now or is any proposed? Describe in detail: Storage shed hot 2 IV. Use Variance: Use Variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Bulk Regs., Cols 547, to (Describe proposal) Subdivide Property, sell bot No.1 LOT one would have less than the required but width Side yards, due to position a buildings on the

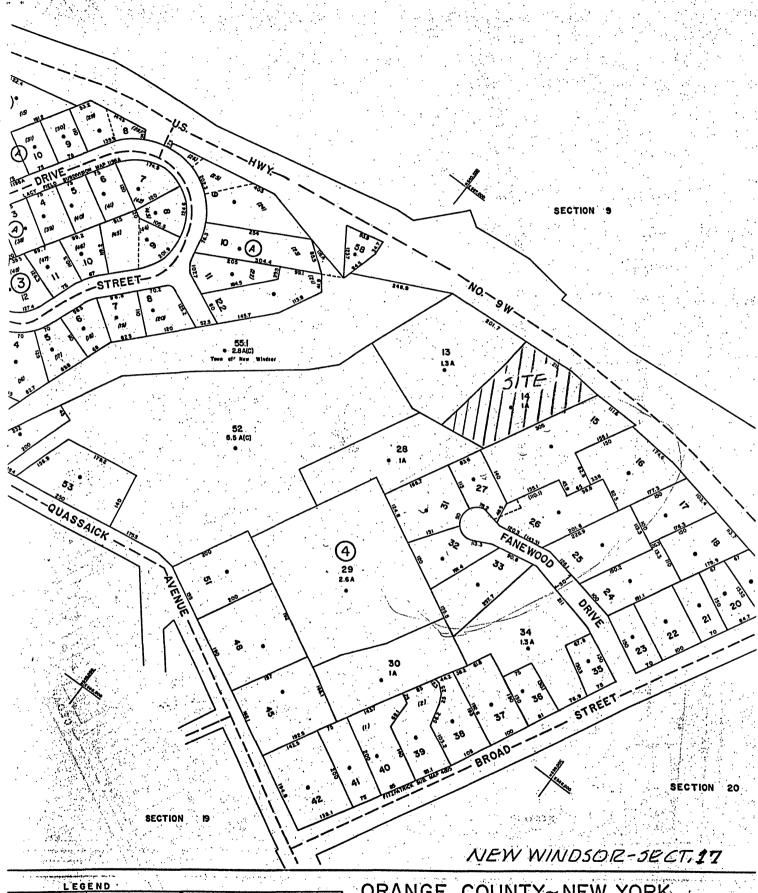
| | | -2- | |
|---------------------------------------|-------------|--|--|
| • | (b) | The legal standard for a "Use" variance is <u>unnecessary</u> <u>hardship</u> . Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application. | |
| | | | |
| v. | Area (a) | variance: Area variance requested from New Windsor Zoning Local Law, Section 48-2, Table of Buk Regs., Cols 5 \$ 7 | |
| | | Proposed or Variance Requirements Available Request | |
| | | Min. Lot Area 15,000 S.F. 17,748 S.F. 0 Min. Lot Width 100' 59.3' 40.70' Reqd. Front Yd. 35' ** 21.9' Reqd. Side Yd. 15'/30' 15.6' 15.6' 0' 14.4' | |
| | | Reqd. Rear Yd. 40' 210'± 0 Reqd. Street Frontage* 60' 60' 0' Max. Bldg. Hgt. 2½ 550' 2 550' 0 Min. Floor Area* 1,000 5F, 2,225 5F 05F | |
| · · · · · · · · · · · · · · · · · · · | | The second secon | |
| | (b) | The legal standard for an "AREA" variance is <u>practical</u> difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application. | |
| | | Due to the position of the buildings on the property (in place prior to Town Zoning), it is not possible to Subdivide the property without the requested variances. At present, there are two uses on one property. The Subdivision with the variances, would provide at | |
| _vi. | Sign | Variance: (a) Variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col. | |
| | | Proposed or Variance Requirements Available Request Sign 2 | |
| | | Sign 3 Sign 4 Sign 5 | |
| | | Totalsq.ftsq.ftsq.ft. | |
| | | | |

| | /1.\ | Describe in detail the sion(s) for which was sool a |
|-------------|------------------|---|
| | (b) | Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs. |
| • | | extra of oversize signs. |
| | | |
| | | |
| • | | |
| | | |
| | (c) | What is total area in square feet of all signs on premises including signs on windows, face of building, and freestanding signs? |
| | | • |
| 77 T | O | del Bernit |
| VII. | | cial Permit: Special Permit requested under New Windsor Zoning Local Law, Section, Table of Regs., Col |
| • | (b) | Describe in detail the use and structures proposed for the special permit. |
| , | | |
| | | |
| | • | |
| • | | |
| | | * |
| | | |
| VIII. | | Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, |
| | | sign limitations, utilities, drainage.) |
| | | No changes in the appearance of this long-existing |
| | | |
| · · | | property Jon figuration are contemplated, to our June length of the contemplated, to our |
| | | property Jon figuration are contemplated to our |
| | | property Jon figuration are contemplated to our |
| TV | A A A A B | property Jon figuration are contemplated, to our knowledge. |
| IX. | Atta: | property Jon figuration are contemplated to our |
| IX. | Atta | chments required: Copy of letter of referral from Bldg./Zoning Inspector. Copy of tax map showing adjacent properties. Copy of contract of sale, lease or franchise agreement. Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, |
| IX. | Atta | chments required: Copy of letter of referral from Bldg./Zoning Inspector. Copy of tax map showing adjacent properties. Copy of contract of sale, lease or franchise agreement. Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, |

X. AFFIDAVIT

| | Date |
|---------------------------------------|--|
| STATE OF NEW COUNTY OF ORA | SS.: |
| T | he undersigned Applicant, being duly sworn, deposes |
| and states th | at the information, statements and representations |
| contained in | this application are true and accurate to the best of |
| his knowledge | or to the best of his information and belief. The |
| applicant fur | ther understands and agrees that the Zoning Board |
| of Appeals ma | y take action to rescind any variance or permit granted |
| if the condit | ions or situation presented herein are materially |
| changed. | |
| | (Applicant) |
| Sworn to before 31 day ofXI. ZBA Acti | May, 197. Makery Public or DROWN Years Residue to the Control of the State of the Control of the State of the Control of the State of the Control of the Control of the State of the Control of the Contr |
| | olic Hearing date |
| | ciance is |
| , | ecial Permit is |
| | nditions and safeguards: |

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.



| L E 0 | ENU | |
|-----------|---|--------------------------------------|
| LINE | TAX MAP BLOCK NO. | FILED PLAN BLOCK NO. OO |
| 100 (000) | TAX MAP PARCEL NO 32 | FILED PLAN LOT NO |
| | AREAS (Deed) 11.1A, (Calculated) 11.6A(C) | STATE HIGHWAYS . M V STATE HAY NO IF |
| | DIMENSIONS (Cree) se (Stavet res | COUNTY HIGHWAYS COMPY HAY NO.4" |
| 11 2873 | att a gage of the second | TOWN ROADS 1200 F2 |

ORANGE COUNTY-NEW YORK

| | Photo No: 14-30,31,32 | Date of Mapr. 9-24-67 |
|----|-----------------------|-------------------------|
| ٠, | | Date of Revision 8-1-84 |
| ΄. | Scale: "I" | 100 |

RUBLIC SERICE/OF HEARING
BEFORE

ZONING/BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
Zoning Ordinance on the follow
sing proposition:

Appeal No*16

Request of Carlo Gruini &
Carmen Mary Gruini for a
VARIANCE of the regulations
of the Zoning Ordinance to per
mit Subdivision of lands, creating a lof with less than the required side yards and lot width
being a VARIANCE of Section
48-12-Bull Regulations. Parf
18 for property situated as follows:
West side of Route 9W: 700 ft.
northfof Broad Street Town of
New Windsor.

SAID HEARING will take place
on the 13th day of May 1985; at
the New Windsor Town Hall 555
Union Avenue New Windsor
Ney beginning at 7:30 oclock
p.m.

Daniel P: Konkol
Chairman
By: Patricia Delio, Secretary

State of New York
County of Orange,ss:

Everett W. Smith, being duly sworn disposes and says that he is Publisher of the E.W. Smith Publishing Company, Inc. publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, and that the notice of which the annexed is a true copy was published ONCE

in said newspaper, commencing on the 2^{md} day of MAY A.D., 19% and ending on the 2^{md} day of MY A.D. 19%

Subscribed and shown to before me this <u>sof</u>day of <u>May</u>, 19<u>E</u>.

Notary Public of the State of New York County of Orange.

My commission expires $\frac{3/30}{1}$

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 19 27

| | Gruni, Carlos 3 | |
|--|-----------------|-----------------------|
| 85-16 - | Jume, Carlos | /3/85 P.H. |
| | Name: | Alless: |
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| | HUGO DUBALDI | Address: Janewood Un. |
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TOWN OF NEW WINDSOR ORANGE COUNTY, N. Y. OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

| | File No | |
|-------|--|---|
| | To Carlo Gruini S'Cumen Mary Bruini | |
| | 261 Route 94 | |
| | New Windows, N. 4. 12550 | |
| | PLEASE TAKE NOTICE that your application dated March 19.85 | |
| | for permit to Subdivide Land into two parcels | |
| | at the premises located at 261 lee 9w Tax Map Section 17, Blook 4, Lot 14 | |
| | is returned herewith and disapproved on the following grounds: | |
| | Lot # 2 requires Lot width variance of 40.7' Total | |
| | side yard variance of 14.4' 5 48-12 Table of Bulle Res | |
| (| Co/s -~ | ٠ |
| Note! | his subdivision will be | _ |
| | Structures on fleir own lots Building Inspector | |
| | | |
| | Also the existing structure is | |
| | a pre-existing non conforming | |
| | nultiple Dovelling | |
| | | |

PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. /6 Request of Carlo Gruini & Carmen Mary Gruini for a VARIANCE SPECIAL PERMIT ofthe regulations of the Zoning Ordinance to permit Subdivision of lands, creating a lot with less than the required side yards and lot width. VARIANCE SPECIAL PERMIT of being a Section 48-12. Bulk Regulations, Part I for property situated as follows: West side of Route 9W. 700ft, north of Broad Street Town of New Windsor. SAID HEARING will take place on the 13th day of , 19^{85} , at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at o'clock P. M.

7:30

Daniel P. Konkol Chairman By: Patricia Delio, Secretary

INTER-OFFICE CORRESPONDENCE

TO:

TOWN PLANNING BOARD

TOWN BUILDING/ZONING OFFICE

FROM:

ZONING BOARD OF APPEALS

RE:

PUBLIC HEARINGS BEFORE THE ZBA - May 13, 1985

DATE:

May 7, 1985

Please be advised that the following public hearing(s) will be heard before the Zoning Board of Appeals on the above date:

GRUINI, CARLOS - AREA VARIANCES

MOWERY, JOHANNA - AREA VARIANCES

I have attached copies of the pertinent applications together with public hearing notices which appeared in The Sentinel.

Patricia Delio, Secretary to ZBA

/pd

Attachment



Louis Heimbach County Executive

Department of Planning & Development

124 Main Street Goshen, New York 10924 (914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner
Paul Costanzo, Director of Community Development

May 21, 1985

Mr. Daniel P. Konkol, Chairman New Windsor Zoning Board of Appeals 555 Union Avenue New Windsor, N.Y. 12550

Area Variance, Carlo & Carmen Gruini U.S. Rt. 9W

Our File No. NWT 9-85-M

Dear Mr. Konkol:

In accordance with Section 239, Paragraphs 1 and m of the General Municipal Law, the variance application cited above was reviewed by this Agency.

The requested variances if implemented will be insignificant to County and State-owned facilities. For this reason, County Planning Department approval is hereby granted.

If there are any questions, don't hesitate to call.

Very truly yours,

Peter Garrison

Commissioner of Planning &

Development

Reviewed by RECEIVED.

Planner

PG:oor

TOWN OF NEW WINDSOR

TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

May 14, 1985

1763

ELIAS D. GREVAS, L.S. 33 Quassaick Avenue New Windsor, N. Y. 12550

RE: APPLICATION OF GRUINI, CARLOS - #85-16

Dear Lou:

This is to confirm that the above application was Granted at the May 13, 1985 public hearing held before the New Windsor ZBA.

Formal decision will be drafted and acted upon at a later date. You will be receiving a copy by return mail.

· Very truly yours,

PATRICIA DELIO, SECRETARY

New Windsor ZBA

/pd

cc: Town Planning Board

Acting Building/Zoning Officer Cuomo

1763

TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

April 22, 1985

Elias D. Grevas L.S. 33 Quassaick Ave. New Windsor, N.Y. 29

RE: 17-4-14

Dear Mr. Grevas:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$45.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

CHRISTIAN E. JAHRLING IAO

SOLE ASSESSOR

Town of New Windsor

TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

Maldari John Thomas 202 Spook Rock Rd Suffern NY 10901

/ Sidoli Gino D & Ersilia A 249 Rt 9W South New Windsor NY 12550

Dubaldi Hugo & Louise / 245 Route 9W New Windsor NY 12550

Johnson Lester K & Carmella 2 Broad Street New Windsor NY 12550

Antonacci Leo P & Lucretia M
4 Broad Street
New Windsor NY 12550

Maurice Elaine P
6 Broad Street
New Windsor NY 12550

✓ Burke Roy & Myrtle A 8 Broad Street New Windsor NY 12550

Monte Joseph & Lillian M 10 Broad Street New Windsor NY 12550

Faecher Steven A & Mary Ellen
3 Fanewood Drive
New Windsor NY 12550

Parisi Irene
5 Fanewood Drive
New Windsor NY 12550

Parisi Joseph G & Olga M
7 Fanewood Drive
New Windsor NY 12550

Dunning George E & Kathleen E
11 Fanewood Drive
New Windsor NY 12550

Indzonka Louis F Jr & Catherine C 149 Quassaick Ave New Windsor NY 12550

/ Child Paul W & Judy Ann 3 Woodthrush Lane New Windsor NY 12550

Naclerio John J & Stephanie 87 Merline Ave Mew Windsor NY 12550

√ Spignardo Ernest G & Dorothy M
12 Fanewood Drive
New Windsor NY 12550

Ortone Anthony A & Martha

10 Fanewood Drive
New Windsor NY 12550

Magliato Joseph J & Bette Ann
8 Fanewood Drive
New Windsor NY 12550

Holdsworth Ellen
6 Fanewood Drive
New Windsor NY 12550

Palchus Gloria & Leonard S 2 Fanewood Drive New Windsor NY 12550

Herbison Elizabeth C, Miller Frances, & Burkey Roas 145 Quassaick Ave New Windsor NY 12550

TOWN OF NEW WINDSOR



555 UNION AVENUE NEW WINDSOR, NEW YORK

1763

Town of New Windsor √ 555 Union Ave New Windsor NY 12550

Di Nitto Rudy & Marie

107 South Robinson Ave
Newburgh NY 12550

Hallas Mildred J

√ 117 Holly Drive

New Windsor NY 12550

/ Connolly Thomas J & Cathleen 119 Holly Drive New Windsor NY 12550

Diamond Albert F & Marie N
121 Pine Street
New Windsor NY 12550

Sun Refining & Marketing Co ATT: R E Tax Department 10 Penn Center 1801 Market St Philadelphia Pa 19103

Toback Dorothy Ann, Crawley Stephen P & Roxanne D 28 Carter Ave New Windsor NY 12550

Exxon Corporation
Property Tax Manager
Exxon Co USA
PO Box 53
Houston Texas 77001



ELIAS D. GREVAS, L.S.

LAND SURVEYOR
33 QUASSAICK AVENUE
NEW WINDSOR, NEW YORK 12550
(914) 562-8667

Relim neeting: (2)

SITE PLANNING LOCATION SURVEYS

28 March 1985

Patrick T. Kennedy, L.S., Building Inspector Town of New Windsor 555 Union Avenue New Windsor, N.Y. 12550

Subject: Proposed Subdivision of Lands of Gruini, Route 9W, Town of New Windsor

Dear Patrick:

Enclosed is a copy of the proposed Minor Subdivision of the Gruini lands on the west side of Route 9W (adjacent to Stewart's Furniture). As can be seen from the map, the intent is to subdivide the property, placing each of the main structures on a lot. The building on lot 1 is (and has been) an apartment house. The building on lot 2 is Mr. & Mrs. Gruini's residence.

Since the property is in an R-4 zone, we realize variances will be required for lot width and side yard (total) for lot #1. Therefore we request that you furnish the standard "Notice of Disapproval" letter to the Zoning Board of Appeals, in order that we may be placed on their next meeting agenda. By copy of this letter, we are furnishing five (5) copies of this plan to the Z.B.A. secretary, requesting a preliminary meeting with that board at their meeting of 8 April 1985.

If you should have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours

Elias D. Grevas, L.S.

EDB/bg

cc: Mr. & Mrs. Carlo Gruini w/encl Patricia Delio, Secretary Z.B.A.

> RECEIVED ATTORNEY'S OFFICE TOWN OF NEW WINDSOR

> > MAR 29 1985

Paticia Dello

INDZONKA 4.11ZZ P.578 115.50 IN5°19'00"E STEWART, 5 73.96 41.54' FUENITURE MAL DARI L.1862 P. 346 PROPOSED PROPOSED LOT NO. 1 LOT NO. 2 26,021 ± 5.F. N/F STERECO, INC. L.1817 P.416 0.40±AC. 0.60 ± AC. SHED CONC. BLOCK ADDITION STORY FRAME -LIBHT POLE 2 STORY -572°11'00'E BRICK 63.13' FOUND C 60.00' 315°58'00"W 96.46 98°55'00'W 114

POLE SANITARY

PHYDRANT MANHOLE EDGE OF PAYEMENT - SOUTH BOUND (TO CORNWALL) GRASS MEDIAN

TABLE OF BULK REGULATIONS¹ Part I Residential Districts

ROUTE

VARIANCE REQUIRED

GEA55

MEDIAN

(TO NEWBURGH)

NORTH BOUND

| | | | | Part I | Residential | Districts | | | | | |
|----------------|-------------------|---|--|--------------------------------------|--|---|---|--------------------------------|-------------------------------|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| District Group | | For Uses Listed Below | | The Following Bulk Regulations Apply | | | | | | | |
| | | (Uses herein refer in abbreviated form to uses listed in detail in Use Table Cols. A and B.) | Minimum Lot Area (sq. ft. unless other- wise specified) | Minimum Lot Width (feet) | Required Front Yard Depth (feet) | Required Side Yard/Total Both Side Yards (feet) | Required Rear Yard Depth (feet) | Required Street Frontage | Maximum Building Height | Minimum Livable Floor Area (eq. ft.) | Develop- ment Coverage (percent) |
| B-4 | W.2 | Single-family dwellings (Group T.2) | 15,000 | 100 | 35 | 15/30 | 40 | 60 | 2½ stories or 35 ft. | 1,000 | 30 |
| | Bassassassass-sad | PROVIDED: LOT I | 17, 748 26.027 | 59.3* 130± | Z/.9** 38.4 | 15.6/15.6* 16.2/66± | 210± 200± | 60 | 2 STORIES | 2,720± | 13± 5± |



NOTES

- Being a proposed subdivision of lands known as Lot No. 14 in Block 4, Section 17 of the Town of New Windsor Tax Maps.
- 2. PROPERTY ZONE:

R-4

3. TOTAL PARCEL AREA:

1.00+ Acres

4. TOTAL NO. OF LOTS:

5. DWNER/SUBDIVIDER:

-

Carlo Gruini Carmen Mary Gruini

261 Route 9W

New Windsor, N.Y. 12550 561-7862

- Boundary data shown hereon is from a field survey by this
 office completed on 15 March 1985.
- Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2) of the New York State Education Law.



| REVISIO | ELIAS D. GREVAS, L.S. LAND SURVEYOR 33 QUASSAICK AVENUE NEW WINDSOR, NEW YORK 12650 DNS: | PLAN FOR: | | GRUINI ARY GRUINI | | |
|---------|--|-------------------|----------------------|----------------------|---------|--|
| DATE | DESCRIPTION | TOWN OF NEW W | NDSOR ORAL | NGE COUNTY · N | EW YORK | |
| | | Drawn: ///B# | general and a second | PROPOSED | 18, 1 | |
| | | Checked: 5-7 | | PROPOSED | | |
| | | Scale: 1"= 40' | MINOR | SUBDIVISION | V | |
| | | Date:28 MAR. 1985 | | | | |
| | | Job No. 85-029 | | | | |